

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO: 13656 of 2005

Between:

G.Kameswara Rao, S/o.G.Nancharaiah,
R/o.4-32-41/141, Sri Raghavendranagar Colony,

Near Allwyn Colony, Kukatpally,

Hyderabad-500 072.

..... PETITIONER

AND

- 1 The Dy.Director, Survey and Land Records,
O/o.Hyderabad District Collector, Hyderabad.
- 2 The Mandal Revenue Officer, Road No.2,

Banjara Hills, Shaikpet Mandal, Hyderabad.
- 3 The Jubilee Hills Cooperative House Building Society ,

Hyderabad, Rep by its Special Officer, Jubilee Hills,
Hyderabad-500 033.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other writ by directing the respondents not to conduct any Survey in Sy.No.102/1 until and unless the Survey in Sy.No.13, 103 and 104 is completed and further declare that the action of the 1st and 2nd respondents is null and void and pass such other order or orders.

Counsel for the Petitioner: MR.G.MAHENDER

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

Petitioner filed this writ petition questioning the inaction of the respondents in not conducting demarcation of his land situated in Sy.Nos.13 and 103 of Hakimpet Correspondent Town Survey Number 1/1 and 1/2, Block-D, Ward 12 of Shaikpet, Hyderabad, and conducting demarcation of the land adjacent to his land situated in Sy.No.102/1 at the first instance.

Filtering out unnecessary details, the factual position is as follows:

Petitioner entered into a sale agreement to purchase 600 sq.yards plot in Sy.Nos.13 and 103 of Hakimpet Correspondent Town survey No.1/1 and 1/2, Block-D, Ward 12 of Shaikpet, Hyderabad *vide* sale agreement dated 21-04-2003, and possession of the said plot was handed over to the petitioner from the date of sale agreement itself. The core grievance of the petitioner is that the third respondent-Society, who is the owner of the adjacent land bearing No.102/1, started selling the plots to different individuals by showing the plots situated in Sy.Nos.13, 103, 104 and 105 etc. In its attempt, the third respondent-Society proposed to allot the plot purchased by the petitioner to a third party. The private landlord from whom the petitioner has purchased the plot submitted a representation to the respondents to conduct proper survey and demarcate boundaries of the petitioner's land situated in Sy.Nos.13 and 103. But the second respondent has issued a notice No.A2646/2005 dated 22-06-2005 for conducting demarcation of land adjacent to the petitioner's land situated in Sy.No.102/1 Plot No.480. Immediately the petitioner submitted a representation to the 2nd respondent on 23-06-2005, but the 2nd respondent is proceeding with the survey and demarcation of the land situated in Sy.No.102/1. Hence, the writ petition.

The learned Government Pleader for revenue appearing for the respondents opposed the writ petition stating that no prejudice would be caused to the petitioner,

if survey and demarcation of the land situated in Sy. No.102/1 is conducted in the first instance.

Heard learned Counsel on either side. Perused the record.

From the aforesaid minority of events, it is apparent that the impugned notice issued by the second respondent to the petitioner is only to attend the demarcation going to be conducted on 25-06-2005 at 10-30 a.m, at request of Sri Ch.Venkatadri and orders of the Deputy Director, Survey and Land Records, Hyderabad and MRO, Shaikpet. No prejudice would be caused to the petitioner if the survey of the land situated in Sy. No.102/1 is conducted in the first instance. The petitioner will be prejudiced only if no consequential order is passed by the respondents for conducting demarcation of his land situated in S.Nos.13 and 103. Therefore, I see no reason to entertain the writ petition.

The Writ Petition fails, and the same is, accordingly, dismissed. There shall be no order as to costs.

24-06-2005

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To

- 1 The Dy. Director, Survey and Land Records,
O/o. Hyderabad District Collector, Hyderabad.
- 2 The Mandal Revenue Officer, Road No.2, Banjara Hills,

Shaikpet Mandal, Hyderabad.
- 3 The Special Officer, Jubilee Hills Cooperative House Building

Society , Hyderabad, Jubilee Hills, Hyderabad-500 033.
- 4 Two C.Cs. to G.P. for Revenue, High Court Buildings,

High Court of A.P., Hyderabad (OUT)
- 5 Two C.D. copies.

*Form-NIC-OGS/WP{**TRR**}*